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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Australia, Austria, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Guinea, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Mali, Mexico, Monaco, Montenegro, Norway, Peru, Republic of Moldova, Senegal, Slovakia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007, by which the Council established the Forum on Minority Issues,[2] 16/6 of 24 March 2011 on the mandate of the Independent Expert on minority issues[3] and 18/3 of 29 September 2011 on the panel to commemorate the twentieth anniversary of the adoption of the Declaration,[4]

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, dialogue between these

[1] See resolution 2200 A (XXI), annex.
[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.
[4] Ibid., *Supplement No. 53A* (A/66/53/Add.1).

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minorities and the rest of society and the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving minorities,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that they often suffer disproportionately from the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising measures to address problems regarding minority situations,

Emphasizing also the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing further the fundamental importance of human rights education, training and learning as well as of dialogue and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,

Acknowledging that the United Nations has an important role to play regarding the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration,

Affirming that the anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Recognizing in this context the important role played by the Independent Expert on minority issues in promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5] and

[5] Resolution 47/135, annex.

draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[6] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Urges* States to take all appropriate measures, including constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Calls upon* States to give special attention to the promotion and protection of the human rights of women and children belonging to national or ethnic, religious and linguistic minorities;

5. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to persons belonging to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

6. *Takes note with appreciation* of the report of the Independent Expert on minority issues and its special focus on the role of the protection of minority rights in conflict prevention;[7]

7. *Calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

8. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes, to assist in resolving existing or potential situations involving minorities;

9. *Commends* the Independent Expert on minority issues for the work and important role in raising the level of awareness of, and in giving added visibility to, the rights of persons belonging to national or ethnic, religious and linguistic minorities and for the ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through

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[6] See A/CONF.189/12 and Corr.1, chap. I.

[7] A/HRC/16/45.

close cooperation with Governments, the relevant United Nations bodies and mechanisms and non-governmental organizations;

10. *Calls upon* all States to cooperate with and assist the Independent Expert in the performance of the tasks and duties mandated to her, to provide her with all the necessary information requested and to seriously consider responding promptly and favourably to requests of the Independent Expert to visit their countries so as to enable her to fulfil her duties effectively;

11. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Expresses its appreciation* for the successful completion of the first three sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation and the right to participation in economic life and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

13. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to continue to participate actively in the sessions of the Forum on Minority Issues;

14. *Welcomes* the decision of the Human Rights Council to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard;

15. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as Member States, to explore possibilities for organizing activities to mark the twentieth anniversary of the Declaration;

16. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum;

17. *Requests* the High Commissioner for Human Rights to continue her efforts to improve coordination and cooperation among United Nations agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

18. *Calls upon* the High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration, and to engage

in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

19. *Invites* the High Commissioner for Human Rights to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to national or ethnic, religious and linguistic minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, in particular the activities of its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

20. *Invites* the human rights treaty bodies, when considering reports submitted by States parties as well as under special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

21. *Reaffirms* that the universal periodic review, together with the United Nations human rights treaty bodies, constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms, and in that regard, calls upon States to effectively follow up on accepted universal periodic review recommendations related to the rights of persons belonging to national or ethnic, religious and linguistic minorities and encourages States to give serious consideration to the follow-up to recommendations by treaty bodies on the matter;

22. *Invites* the Independent Expert on minority issues to report annually to the General Assembly;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-eighth session, including information on activities carried out by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as activities by Member States, to mark the twentieth anniversary of the adoption of the Declaration;

24. *Decides* to continue consideration of the question at its sixty-eighth session under the item entitled "Human rights questions".